

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

AARON GLAESER,)
Plaintiff,)
v.) Case No. 3:05cv1043
CHEATHAM COUNTY SHERIFF'S) Judge Thomas A. Wiseman, Jr.
DEPARTMENT, MUNICIPAL GOVERNMENT)
OF CHEATHAM COUNTY, and)
JASON LITTLEJOHN,)
Defendants.)

ORDER

Before the Court is Defendants' Motion for Summary Judgment (Doc. No. 32), seeking judgment in favor of Deputy Jason Littlejohn on the § 1983 claim asserted against him, and Motion for Leave to File a Reply Brief (Doc. No. 42) in support of same. The Court has reached its conclusion in favor of Defendant Littlejohn, as indicated below, without resort to Defendants' proposed reply brief. The motion to file a reply (Doc. No. 42) is therefore **DENIED** as moot.

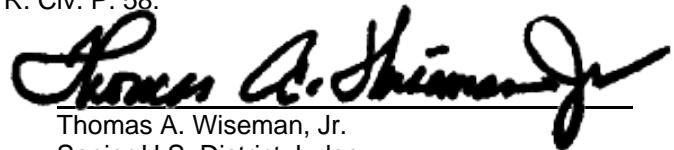
In the motion for summary judgment, Defendant Littlejohn seeks dismissal of Plaintiff's § 1983 claim on the grounds of qualified immunity or, alternatively, on the basis of collateral estoppel and the principle articulated by the Supreme Court in *Heck v. Humphrey*, 512 U.S. 477, 487 (1994). As discussed in the accompanying Memorandum Opinion, the Court finds that summary judgment in favor of Littlejohn is warranted under *Heck v. Humphrey* and/or collateral estoppel because a judgment in favor of Glaeser on his § 1983 claim would necessarily imply the invalidity of his conviction for felony reckless endangerment. Because Plaintiff has not demonstrated that his conviction has been overturned or invalidated, his § 1983 claim must be dismissed.

Defendant Littlejohn's motion is therefore **GRANTED** and the § 1983 claim **DISMISSED**. Further, having disposed of the only federal claim in this action, the Court will decline to exercise supplemental

jurisdiction over Plaintiff's state-law negligence claims against Defendant Cheatham County. The state law claims are hereby **DISMISSED WITHOUT PREJUDICE** and this matter is **DISMISSED in its entirety**.

It is so **ORDERED**.

This is a final judgment for purposes of Fed. R. Civ. P. 58.



Thomas A. Wiseman, Jr.
Senior U.S. District Judge